

THE DEATH PENALTY.

Reply of Mr. Boyce to a "Citizen of the Commonwealth" in the Evening Telegraph.

My attention has been called to a communication in your paper of the 22d inst., which purports to be a Scriptural argument in favor of the death penalty. Although the writer is undoubtedly a "Citizen of the Commonwealth," it is quite evident from the "foot-prints" that he is also a clergyman of some one of our Christian churches; but as the gallows is becoming a very unpopular institution at the present time, the writer should not be censured for desiring to keep his name from the public.

I rarely take notice of anonymous communications; but, in this instance, as the article embodies the views of our opponents and are as well stated as they probably can be upon that side of the question, it matters not whether the author be layman or clergyman, which latter he undoubtedly is. And as he expresses the desire to discuss the question, not in "the light of expediency, but in the higher aspect of Divine authority," I shall confine the argument closely to the limits proposed.

First. It cannot be shown that God established the death penalty, or enacted any penal laws, before the birth of Moses. The passage, Genesis ix, 6, "Whoso sheddeth man's blood, by man shall his blood be shed," was never intended for a penal law; was never a statute in any sense of that word. At the time those words were spoken, there were but eight persons in existence. Noah and his family had come forth from the ark, and no organized government existed upon the face of the earth. Had God intended this passage as applicable to crime, would He not have mentioned other crimes than murder, and affixed penalties to their commission? It would be a strange government indeed which should enact a penalty for murder, and remain utterly silent as to other crimes. This, of itself, ought to be conclusive on this point. But admitting, just for the argument, that this was a broad and sweeping declaration of Jehovah, and was intended for the guidance of human governments in punishing the manslayer, will our Reverend "Citizen" inform us when and by whom this statute is regarded? How does the Commonwealth punish manslaughter? By imprisonment. When the criminal is committed with malice aforethought, it is called murder in the first degree. The passage in dispute does not refer to murder at all; nor does it speak of premeditated murder, or even of a criminal intent. Allow me to ask the Reverend "Citizen" whether the Commonwealth hangs the lunatic? He sheds the blood of his fellow-man, yet no one contends that the lunatic ought to be hung. You reply that the lunatic is not morally accountable. But this is no reason why he should not have his blood shed if the commandment be a Divine one, for it does not speak of accountability. The simple truth is that I have never known a government nor have I met an individual that would be willing to uniformly execute this statute, if it be one. This passage means either something or nothing. If it be literal, it means that we must shed the blood of the lunatic, the soldier, the duelist, and every human being who sheds the blood of his fellow-man. But the gallows advocates, including, of course, our Reverend "Citizen," declare that if man be a morally accountable being, and shall willfully and deliberately murder his fellow-man, and in case the Governor does not pardon him or indefinitely postpone his sentence, then he shall be strangled to death. And it is a noteworthy fact that the very gentlemen, including gallows-believing clergymen, who are so clamorous for the Divine authority of shedding the blood of the murderer, are the very men who are ever besieging the Executive Chamber asking for clemency for these unfortunates; and especially after they have been converted; for our clergymen who believe in hanging don't like to encourage the hanging of saints; and how they can advocate the hanging of sinners, for whom Christ died, is indeed very mysterious. And what seems still more strange is, that while Christ died that sinners might live, too many of our clergymen are willing to live that this class of sinners may die.

The passage, "Whoso sheddeth man's blood by man shall his blood be shed," was never intended as a penal law, nor can it, by any forced construction, be made to appear in that light. The passage is simply declaratory and prophetic, and has its counterpart in the following passages:—"Bloody and deceitful men shall not live out half their days." Psalms lv, 23. Again: "For all they that take the sword shall perish with the sword." Matt. xxvi, 52. These passages are all of similar import—the imperative form of the verb being observable in all, yet all conveying the prophetic lesson that those who are "bloody and deceitful," and those who engage in war and other bloody pursuits, will be very apt to come to violent death. The last passage quoted contains the words of Christ rebuking Peter for using his sword even in defense.

It will be noticed that "Citizen," in quoting Scripture, has in no single instance given chapter and verse. The reason is obvious. The connection in which the passages he quotes are found with others, would, if cited, destroy his own argument. For instance, he quotes, "He that smiteth a man so that he die, shall surely be put to death." This passage is found in Exodus, chap. 21, verse 12. Verse 17 of the same chapter reads as follows:—"And he that curseth his father or his mother shall surely be put to death." Allow me to ask "Citizen" if he advocates putting the man to death who should curse father or mother? Again, verses 24 and 25 of this same chapter read as follows:—"Eye for eye, tooth for tooth, hand for hand, foot for foot, burning for burning, wound for wound, stripe for stripe." Does our Rev. "Citizen" advocate the enforcement of this code? Is it binding upon us to-day? On the contrary, did not Christ quote from this very chapter, and rebuke its whole spirit? He says, Matt.,

chap. 5, verses 38, 39:—"Ye have heard that it hath been said an eye for an eye, and a tooth for a tooth, but I say unto you that ye resist not evil; but whosoever shall smite thee on the right cheek, turn to him the other also." Again, verse 44, "But I say unto you, Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you and persecute you, that ye may be the children of your father which is in heaven." Here we find that Christ rebuked, in explicit terms, the very code of blood from which "Citizen" has been quoting. And this Rev. "Citizen," feeling the rebuke which Jesus gave to all "retaliators," of which "Citizen" is one, thus tries to evade the force of the rebuke which he cannot but keenly feel. He says:—

"Do they [the anti-capital punishment men] direct us to that system of inimitable ethics delivered upon the Mount? We readily acknowledge its force and obligation, but we fail to perceive the analogy. The first embodies purely Christian graces, the legitimate growth of renewed and sanctified humanity, and are applicable to our personal relations; the latter is a civil enactment, not vindictive but exemplary, and growing out of the demands of justice."

In other words, what Christ enjoined upon us as individuals should not be observed in governments; that as individuals we ought to love and forgive our enemies, but as governments we should persecute and hang them; that in our personal relations we should strive to become angels, that in governmental policy we may act like demons. This may be one phase of Christianity, but if it is, it has reached a depth so profound that common sense will never be able to reach it.

"Citizen" says:—"The crime and the penalty are inseparable, and what God hath joined together let no man put asunder." Let us amend by saying, "God breathed in man's nostrils the breath of life and (uniting breath and body) he became a living soul." "What God hath joined together let no man put asunder." "Citizen" speaks of "the demands of justice." This word justice is a vague term, and has been used, the world over, as a cover for all sorts of atrocities. Constantine drowned his wife in a vat of boiling water; beheaded his eldest son; killed his father-in-law; murdered his two brothers-in-law; slew his nephew, only twelve years old, and put to death the Pagan priest who refused to give him the consolation of his religion. Then Constantine became converted to the Christian religion and put to death tens of thousands who refused to believe; and all these atrocities were perpetrated in the name of justice and Christianity. Nero and Caligula, whose crimes are unparalleled in the history of the world, committed their atrocities in the name of justice. Henry VIII, of England, destroyed half a dozen wives in the name of justice. "Bloody Mary" persecuted the Protestants in the name of justice; and justice in turn persecuted the Catholics in the person of Elizabeth. Justice compelled the Puritans to leave England for the Western World, where they could have "freedom to worship God," and freedom to hang and banish the Quakers.

Justice inspired the French revolution, known as the "Reign of Terror," and in its name were men and women led to the "stake," the "rack," and the "wheel." Justice prompted John Calvin to burn Servetus at the stake because he disbelieved the "Trinity." Justice hung "witches and wizards" at Salem; and to-day human beings are strangled to death in Pennsylvania in the name of justice. The red men of the forest have been nearly exterminated in the name of justice. A village of Piegan Indians has been recently destroyed by our Government, and innocent babes, and little children, and helpless women have been indiscriminately slaughtered by United States soldiers, and in the name of justice. And this great crime will be remembered in infamy, with General Sheridan, who approved the massacre, as the "figure-head" of the atrocity.

There was never an infamous crime perpetrated by any government upon the face of the earth, but justice was first consulted. The very word is heavy with the blood and tears of mankind. It has ever been the plea of tyrants and the "watch-word" of assassins. It has scourged the earth with fire and sword, and has been the cloak to every conceivable crime which human governments in their ingenuity could devise; while "love," "mercy," and "charity" have been crucified that justice might live.

It is a great consolation to every true Christian, however, to know that Jesus Christ never used the word justice in a single instance, nor did any one of His disciples, nor can the word be found anywhere in the New Testament. So much for justice.

There were thirty-three offenses punishable with death under the Mosaic code. Human society, in its march towards a higher civilization, has abrogated the death penalty for every offense save deliberate murder. Allow me to ask Rev. "Citizen" whether "civilization" had the right to "blot out" the penalty of death for any of these crimes? If not, then we must put to death the person who picked up sticks on the Sabbath day. "He that curseth father and mother must be put to death." If, on the contrary, society had the right to abolish that penalty for any of the offenses named, then it resolves itself into a mere question of expediency, and government has the undoubted right to abolish that penalty for the one remaining offense.

"Rev. Citizen" says that the death penalty is of universal application. If so, how happened it that God spared Moses who deliberately killed the Egyptian after first looking around to see whether any one observed him, and then buried the body in the sands? Why was David spared, a man after God's own heart, who had Uriah slain that he might possess his wife? Under the Mosaic code the penalty of death was executed by the "revenger of blood." Allow me to inform "Rev. Citizen" that the "revenger of blood" visited the Commonwealth this last year. Gerald Eaton was under sentence of death for the murder of Heenan. The brother of the murdered man,

John C. Heenan, the nearest of kin, "the revenger of blood," came from an adjoining State, and, visiting the Executive Chamber at Harrisburg, implored the Governor to spare the life of the man who was said to have killed his brother. He was the "revenger of blood," in Scriptural phrase. Such an act of magnanimity and forbearance has more of vital Christianity in it than all the sermons that have been preached in favor of putting men to death, since the beginning of the Christian era.

"Citizen" challenges the friends of "abolition" "to show where, under the new dispensation, one jot or tittle of that statute has been abrogated." We have already shown where Christ quoted from the penal code of Moses, and explicitly rebuked it. To satisfy "Citizen" we will quote again (Matt. v, 17):—"Think not that I am come to destroy the law and the prophets; I am not come to destroy, but to fulfill." And how did Christ fulfill? The Apostle Paul tells us how it was done (Romans xiii, 10):—"Love worketh no ill to his neighbor; for love is the fulfilling of the law." Again (Romans xii, 17), "Recompense to man evil for evil." Let us inquire whether the gallows is rendering "evil for evil." If not, is it good for evil? Again, let us ask "Citizen" what Christ meant when he rebuked James and John for the vindictive spirit they manifested in wishing to call down fire from heaven upon the Samaritans, and what did He mean, in this connection, by saying, "For the Son of Man is not come to destroy men's lives but to save them?" Luke xiii, 35. Again, when the Scribes and Pharisees brought to Him the adulterous woman, and demanded that she should be stoned to death according to the law of Moses, Christ said, "He that is without sin amongst you let him first cast a stone at her," "and, being convicted by their own conscience, they went out one by one. And Jesus said, 'hath no man condemned thee?' She said, 'No man, Lord;' and Jesus said, 'Neither do I condemn thee; go and sin no more.'" John viii, verses 3-11 inclusive.

Does "Citizen" discover any rebuke of the death penalty in the above language of Christ? Again, when on the cross, surrounded by his murderers, He exclaimed, "Father, forgive them, for they know not what they do." Luke xxiii, 34.

If the language, the spirit, and the teachings of Jesus Christ did not rebuke the "code of blood" and the spirit of vindictiveness, then indeed is language powerless to convey the lesson; and those who will not be convinced must be left to the indulgence of their passions of hate and malevolence, for surely arguments cannot reach them.

The Christian religion has been trampled under foot and too frequently disgraced by fossilized theologians, who seem to have forgotten that Christ died, and seem only to remember that Moses lived. If the Church of Christ in the United States is too weak to reform the few murderers in each community, let it go into sackcloth over its own degeneracy. If the fifty thousand clergymen in this Union are so effeminate or worldly, or so absorbed in sectarian policy, that they must clamor for a hangman to relieve them of the troublesome duty of saving a few hundred of the lost for whom a Saviour died, let the people rebuke them. Notwithstanding the teachings of a dark and cruel theology have ever sought to retard the progress of Christian civilization, the principles of a living Christianity will yet be received by all the nations of the globe. Its flood-light of truth will yet reach the uttermost parts of the earth and unite brother with brother in the bonds of love. And when this day arrives, human blood will no longer be shed under the sanction of law; the gallows will disappear from Christian civilization, and those clergymen who, with long faces, preach solemn sermons in favor of putting men to death, will find their services no longer required by an intelligent and Christian people, who will be found ever ready to condemn the wrong and to approve the right.

MARVIN H. BOYCE.
Philadelphia, March 28, 1870.

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CITY ORDINANCES.
COMMON COUNCIL OF PHILADELPHIA.
CLERK'S OFFICE, PHILADELPHIA, March 28, 1870.
In accordance with a resolution adopted by the Common Council of the City of Philadelphia on Thursday, the twenty-fourth day of March, 1870, the annexed bill, entitled "An Ordinance to authorize a loan for the erection of a bridge across the river Schuylkill at Fairmount," is hereby published for public information.
JOHN ECKSTEIN,
Clerk of Common Council.

AN ORDINANCE
To Authorize a Loan for the Erection of a Bridge across the River Schuylkill at Fairmount.
Section 1. The Select and Common Councils of the city of Philadelphia do ordain, that the Mayor of Philadelphia be and he is hereby authorized to borrow, at not less than par, on the credit of the city corporation, from time to time, such sums of money as may be necessary to pay for the construction and erection of a bridge over the river Schuylkill at Fairmount, not exceeding in the whole the sum of seven hundred thousand dollars, for which interest not to exceed the rate of six per cent per annum shall be paid, half-yearly, on the first days of January and July, at the office of the City Treasurer.
The principal of said loan shall be payable and paid at the expiration of thirty years from the date of the same, and not before, without the consent of the holders thereof; and certificates therefor, in the usual form of certificates of city loan, shall be issued in such amounts as the lenders may require, but not for any fractional part of one hundred dollars, or, if required, in amounts of five hundred, one thousand dollars; and it shall be expressed in said certificates that the said loan therein mentioned, and the interest thereof, are payable free from all taxes.
Section 2. Whenever any loan shall be made by virtue thereof, there shall be, by force of this ordinance, annually appropriated out of the income of the corporate estates and from the sum raised by taxation, a sum sufficient to pay the interest on said certificates; and the further sum of three-tenths of one per centum on the par value of such certificates so issued, shall be appropriated quarterly out of said income and taxes to a sinking fund, which fund and its accumulations are hereby especially pledged for the redemption and payment of said certificates.

RESOLUTION TO PUBLISH A LOAN BILL.
Resolved, That the Clerk of Common Council be authorized to publish in two daily newspapers of the city, daily for two weeks, the ordinance presented to the Common Council on Thursday, March 24, 1870, entitled "An Ordinance to authorize a loan for the erection of a bridge across the river Schuylkill at Fairmount." And the said Clerk, at the stated meeting of Councils after the expiration of two weeks from the first day of said publication, shall present to this Council one of each of said newspapers for every day in which the same shall be made. 3 3/4 3/4

COMMON COUNCIL OF PHILADELPHIA.
CLERK'S OFFICE, PHILADELPHIA, Feb. 4, 1870.
In accordance with a resolution adopted by the Common Council of the City of Philadelphia, on Thursday, the third day of February, 1870, the annexed bill, entitled
"AN ORDINANCE
To create a loan for the building of a bridge over the River Schuylkill at South Street, and for the payment of ground rents and mortgages," is hereby published for public information.
JOHN ECKSTEIN,
Clerk of Common Council.

AN ORDINANCE
FOR THE BUILDING OF A BRIDGE OVER THE RIVER SCHUYLKILL AT SOUTH STREET, AND FOR THE PAYMENT OF GROUND RENTS AND MORTGAGES.
Section 1. The Select and Common Councils of the City of Philadelphia do ordain, That the Mayor of Philadelphia be and he is hereby authorized to borrow, at not less than par, on the credit of the city, from time to time, one million five hundred thousand dollars, to be applied as follows, viz.:—First, For the building of a bridge over the River Schuylkill at South Street, eight hundred thousand dollars. Second, For the payment of ground rents and mortgages, seven hundred thousand dollars, which interest not to exceed the rate of six per cent per annum shall be paid half yearly on the first days of January and July, at the office of the City Treasurer.
The principal of the said loan shall be payable and paid at the expiration of thirty years from the date of the same, and not before, without the consent of the holders thereof; and the certificates therefor, in the usual form of the certificates of the City Loan, shall be issued in such amounts as the lenders may require, but not for any fractional part of one hundred, or one thousand dollars; and it shall be expressed in said certificates that the loan therein mentioned, and the interest thereof, are payable free from all taxes.
Section 2. Whenever any loan shall be made by virtue thereof, there shall be, by force of this ordinance, annually appropriated out of the income of the corporate estates, and from the sum raised by taxation, a sum sufficient to pay the interest on said certificates; and the further sum of three-tenths of one per centum on the par value of such certificates so issued shall be appropriated quarterly out of said income and taxes to a sinking fund, which fund and its accumulations are hereby especially pledged for the redemption and payment of said certificates.

RESOLUTION TO PUBLISH A LOAN BILL.
Resolved, That the Clerk of Common Council be authorized to publish in two daily newspapers of this city, daily for four weeks, the ordinance presented to Common Council on Thursday, February 3, 1870, entitled "An Ordinance to create a loan for the building of a bridge over the river Schuylkill, at South Street, and for the payment of ground-rents and mortgages." And the said Clerk, at the stated meeting of Councils after said publication, shall present to this Council one of each of said newspapers for every day in which the same shall have been made. 3 3/4 3/4

PROPOSALS.
NOTICE TO CONTRACTORS.
The Western Maryland Railroad Company having secured the aid of the city of Baltimore, will soon be in funds sufficient to complete the road from Pipe Creek Bridge to Hagerstown, and will receive Proposals until 9th April for all the unfinished grading and bridging on the completed section, the work on which has been suspended for a year. Payments made in cash for all work done.
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